

# **EXHIBIT A**

## U.S. Department of Labor Wage and Hour Division



### **Fact Sheet #64: Call Centers under the Fair Labor Standards Act (FLSA)**

This fact sheet provides general information concerning the application of the FLSA to employees working in call centers.

#### **Characteristics**

A call center is a central customer service operation where agents (often called customer care specialists or customer service representatives) handle telephone calls for their company or on behalf of a client. Clients may include mail-order catalog houses, telemarketing companies, computer product help desks, banks, financial services and insurance groups, transportation and freight handling firms, hotels, and information technology (IT) companies.

#### **Coverage**

If the annual dollar volume of a call center's sales or business is \$500,000 or more, and the enterprise has at least two employees, all employees of the enterprise are covered by the FLSA on an "enterprise" basis. An enterprise may consist of one establishment, or it may be made up of multiple establishments.

Additionally, the FLSA also provides an "individual employee" basis of coverage. If the gross sales or volume of business done does not meet the requisite dollar volume of \$500,000 annually, employees may still be covered if they individually engage in interstate commerce, the production of goods for interstate commerce, or in an occupation closely related and directly essential to such production. Interstate commerce includes such activities as transacting business via interstate telephone calls, the Internet or the U.S. Mail (such as handling insurance claims), ordering or receiving goods from an out-of-state supplier, or handling the accounting or bookkeeping for such activities.

#### **Requirements**

Covered nonexempt employees are entitled to be paid at least the federal minimum wage as well as [overtime](#) at time and one-half their regular rate of pay for all hours worked over 40 in a workweek. (This may not apply to certain executive, administrative, and professional employees, including computer professionals and outside sales, as provided in Regulations [29 CFR 541](#)).

The FLSA requires employers to keep records of wages, hours, and other items, as specified in the recordkeeping regulations. With respect to an employee subject to both [minimum wage](#) and [overtime](#) provisions, records must be kept as prescribed by Regulations [29 CFR 516](#). Records required for exempt employees differ from those for non-exempt workers.

The FLSA also contains youth employment provisions regulating the employment of minors under the age of 18 in covered work, as well as recordkeeping requirements. Additional information on the youth employment provisions is available at [www.youthrules.dol.gov](http://www.youthrules.dol.gov).

## Typical Problems

**Hours Worked:** Covered employees must be paid for all hours worked in a workweek. In general, “hours worked” includes all time an employee must be on duty, or on the employer's premises or at any other prescribed place of work, from the beginning of the first principal activity of the workday to the end of the last principal activity of the workday. Also included is any additional time the employee is allowed (i.e., suffered or permitted) to work. An example of the first principal activity of the day for agents/specialists/representatives working in call centers includes starting the computer to download work instructions, computer applications, and work-related emails.

**Rest and Meal Periods:** Rest periods of short duration, usually 20 minutes or less, are common in the industry (and promote employee efficiency), and must be counted as hours worked. *Bona fide* meal periods (typically 30 minutes or more) generally need not be compensated as work time as long as the employee is relieved from duty for the purpose of eating a regular meal.

**Recordkeeping:** A daily and weekly record of all hours worked, including time spent in pre-shift and post-shift job-related activities, must be kept.

**Overtime:** Earnings may be determined on an hourly, salary, commission, or some other basis, but in all such cases the overtime pay due must be computed on the basis of the regular hourly rate derived from all such earnings. This is calculated by dividing the total pay (except for certain statutory exclusions) in any workweek by the total number of hours actually worked. See Regulations [29 CFR 778](#).

**Salaried Employees:** A salary, by itself, does not exempt employees from the [minimum wage](#) or from [overtime](#). Whether employees are exempt from [minimum wage](#) and/or [overtime](#) depends on their job duties and responsibilities as well as the salary paid. Sometimes, in call centers, salaried employees do not meet all the requirements specified by the regulations to be considered as exempt. Regulations [29 CFR 541](#) contain a discussion of the requirements for several exemptions under the FLSA (i.e., executive, administrative, and professional employees – including computer professionals, and outside sales persons).

## Where to Obtain Additional Information

**For additional information, visit our Wage and Hour Division Website: <http://www.wagehour.dol.gov> and/or call our toll-free information and helpline, available 8 a.m. to 5 p.m. in your time zone, 1-866-4USWAGE (1-866-487-9243).**

This publication is for general information and is not to be considered in the same light as official statements of position contained in the regulations.

**U.S. Department of Labor**  
Frances Perkins Building  
200 Constitution Avenue, NW  
Washington, DC 20210

**1-866-4-USWAGE**  
TTY: 1-866-487-9243  
[Contact Us](#)

# **EXHIBIT B**

**UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

NICOLE FITZGERALD, individually and on  
behalf of all similarly situated individuals,

Plaintiff,

UNIVERSITY OF UTAH d/b/a  
UNIVERSITY OF UTAH HEALTH,

Defendant.

Case No.:

**CONSENT TO SUE**

1. I understand this lawsuit against University of Utah d/b/a University of Utah Health, asserts claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*, concerning Defendant's alleged failure to correctly pay overtime wages.
2. I hereby consent to opt-in, join, and become a Plaintiff in this lawsuit and be bound by the Court, whether favorable or unfavorable, to any judgment or settlement of this action.
3. I hereby designate Johnson Becker, PLLC to represent me in this lawsuit and make all decisions on my behalf regarding the litigation and any potential settlement.

Signature: Nicole Fitzgerald  
Nicole Fitzgerald (May 2, 2025 13:34 MDT)

Date: 05/02/2025

Print Name: Nicole Fitzgerald

# **EXHIBIT C**

## UNIVERSITY OF UTAH COVID-19 UPDATES

**EMPLOYMENT**

THE UNIVERSITY OF UTAH

UNIVERSITY OF UTAH HEALTH HOSPITALS AND CLINICS

UNIVERSITY OF UTAH HEALTH ACADEMICS

Reqid: 73953

# Customer Advocate Specialist I

South Jordan, UT

**Overview**

*As a patient-focused organization, University of Utah Health exists to enhance the health and well-being of people through patient care, research and education. Success in this mission requires a culture of collaboration, excellence, leadership, and respect. University of Utah Health seeks staff that are committed to the values of compassion, collaboration, innovation, responsibility, diversity, integrity, quality and trust that are integral to our mission. EO/AA*

This is a call center position servicing patient

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medical advancement, and overall patient outcomes.

**Responsibilities**

- Provides excellent customer service by resolving concerns and responding to inquiries in a professional and engaging manner.
- Coordinates services provided to customers according to policies and procedures, and provides customer education, as needed.
- Maintains excellent schedule adherence and productivity standards.
- Handles all customer contacts in a timely and efficient manner. Customer contacts include patient scheduling requests, sending provider messages, customer inquiries, complaints and feedback calls.
- Performs other administrative or clerical duties and projects as assigned by the manager.

**Knowledge / Skills / Abilities**

- Ability to provide excellent customer service and a willingness to go above and beyond to meet the needs of the customer.
- Demonstrated excellence in verbal and

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**Qualifications****Qualifications Required**

- One year of experience in communications, customer service, a related medical field, or the educational equivalency.

**Qualifications (Preferred)****Preferred**

- Experience with Epic and Outlook.

**Working Conditions and Physical Demands**

*Employee must be able to meet the following requirements with or without an accommodation.*

- This is a sedentary position in an office setting that may exert up to 10 pounds and may lift, carry, push, pull or otherwise move objects. This position involves sitting most of the time and is not exposed to adverse environmental conditions.

**Physical Requirements**

Listening, Sitting, Speaking

Multi-lingual Candidates Welcomed

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*extended to qualified applicants, upon request and consistent with University policy and Utah state law. Upon request, reasonable accommodations in the application process will be provided to individuals with disabilities.*

*University of Utah Health Hospitals and Clinics, a part of The University of Utah, is an Affirmative Action/Equal Opportunity employer and does not discriminate based upon race, ethnicity, color, religion, national origin, age, disability, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, pregnancy-related conditions, genetic information, or protected veteran's status. The University does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX and 34 CFR part 106. The requirement not to discriminate in education programs or activities extends to admission and employment. Inquiries about the application of Title IX and its regulations may be referred to the Title IX Coordinator, to the Department of Education, Office for Civil Rights, or both.*

*To request a reasonable accommodation for a disability, please contact the University of Utah Health Hospitals and Clinics Human Resources office at 801-581-6500. If you or someone you*

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day of work). Contact Hospitals and Clinics Human Resources at (801) 581-6500 for information. Individuals who previously retired and are receiving monthly retirement benefits from URS are subject to URS' post-retirement rules and restrictions. Please contact Utah Retirement Systems at (801) 366-7770 or (800) 695-4877 or Hospitals and Clinics Human Resources at (801) 581-6500 if you have questions regarding the post-retirement rules. This position may require the successful completion of a criminal background check and/or drug screen.

**Requisition Number** 73953

**Reg/Temp** Regular

**Employment Type** Full-Time

**Shift** Day

**Work Schedule** M-F 0845-1715

**Clinical/Non-Clinical Status** Non-Clinical

**Location Name** Care Navigation

**Workplace Set Up** Hybrid

**City** South Jordan

**State** UT

**Department** COR CST 39E ENDOSCOPY CALL CTR

**Category** Telecommunications

**Workplace Set Up** Hybrid

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Reqid: 75466

# Customer Advocate Specialist I

South Jordan, UT

**Overview**

*As a patient-focused organization, University of Utah Health exists to enhance the health and well-being of people through patient care, research and education. Success in this mission requires a culture of collaboration, excellence, leadership, and respect. University of Utah Health seeks staff that are committed to the values of compassion, collaboration, innovation, responsibility, diversity, integrity, quality and trust that are integral to our mission. EO/AA*

This is a call center position servicing patient

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medical advancement, and overall patient outcomes.

#### Responsibilities

- Provides excellent customer service by resolving concerns and responding to inquiries in a professional and engaging manner.
- Coordinates services provided to customers according to policies and procedures, and provides customer education, as needed.
- Maintains excellent schedule adherence and productivity standards.
- Handles all customer contacts in a timely and efficient manner. Customer contacts include patient scheduling requests, sending provider messages, customer inquiries, complaints and feedback calls.
- Performs other administrative or clerical duties and projects as assigned by the manager.

#### Knowledge / Skills / Abilities

- Ability to provide excellent customer service and a willingness to go above and beyond to meet the needs of the customer.
- Demonstrated excellence in verbal and

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### Qualifications

#### Qualifications Required

- One year of experience in communications, customer service, a related medical field, or the educational equivalency.

#### Qualifications (Preferred)

##### Preferred

- Experience with Epic and Outlook.

#### Working Conditions and Physical Demands

*Employee must be able to meet the following requirements with or without an accommodation.*

- This is a sedentary position in an office setting that may exert up to 10 pounds and may lift, carry, push, pull or otherwise move objects. This position involves sitting most of the time and is not exposed to adverse environmental conditions.

#### Physical Requirements

Listening, Sitting, Speaking

Multi-lingual Candidates Welcomed

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*extended to qualified applicants, upon request and consistent with University policy and Utah state law. Upon request, reasonable accommodations in the application process will be provided to individuals with disabilities.*

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*To request a reasonable accommodation for a disability, please contact the University of Utah Health Hospitals and Clinics Human Resources office at 801-581-6500. If you or someone you*

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**Requisition Number** 75466

**Reg/Temp** Regular

**Employment Type** Full-Time

**Shift** Day

**Work Schedule** M-F 0845-1715

**Clinical/Non-Clinical Status** Non-Clinical

**Location Name** Care Navigation

**Workplace Set Up** Hybrid

**City** South Jordan

**State** UT

**Department** UUH CST 32S AMBULATORY CALL  
CT

**Category** Telecommunications

**Workplace Set Up** Hybrid

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Reqid: 74984

# Communication Services Specialist I

South Salt Lake, UT

**Overview**

*As a patient-focused organization, University of Utah Health exists to enhance the health and well-being of people through patient care, research and education. Success in this mission requires a culture of collaboration, excellence, leadership, and respect. University of Utah Health seeks staff that are committed to the values of compassion, collaboration, innovation, responsibility, diversity, integrity, quality and trust that are integral to our mission. EO/AA*

This position provides excellent customer-

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**Responsibilities**

- Answers incoming telephone calls on a multi-line system.
- Provides excellent customer service by resolving concerns and responding to inquiries in a professional and engaging manner.
- Coordinates services provided to customers according to policies and procedures, and provides customer education as needed.
- Maintains excellent schedule adherence and productivity standards.
- Handles customer contacts in a timely and efficient manner. Customer contacts include patient and staff transfers, provider messaging, inquiries, complaints and feedback calls.
- Participates in weekly learning components and ongoing training opportunities.
- Performs other administrative or clerical duties and projects as assigned.
- Communicates with patients in a confidential, professional manner using tact and diplomacy when paging on call providers for medical concerns.

**Knowledge / Skills / Abilities**

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apply the processes, activities, and tools associated with managing customer requests.

- Ability to maintain a professional demeanor and high productivity in stressful or difficult situations.
- Ability to prioritize and multi task in a fast paced environment.

### Qualifications

#### Qualifications Required

- One year of call center, medical clinic experience, or customer service (including retail, security, and other customer facing positions).

#### Qualifications (Preferred)

##### Preferred

- Experience with Outlook.

#### Working Conditions and Physical Demands

*Employee must be able to meet the following requirements with or without an accommodation.*

- This is a sedentary position in an office setting that may exert up to 10 pounds and

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*students from diverse backgrounds and possess a strong commitment to improving access to higher education for historically underrepresented students.*

*Individuals from historically underrepresented groups, such as minorities, women, qualified persons with disabilities and protected veterans are encouraged to apply. Veterans' preference is extended to qualified applicants, upon request and consistent with University policy and Utah state law. Upon request, reasonable accommodations in the application process will be provided to individuals with disabilities.*

*University of Utah Health Hospitals and Clinics, a part of The University of Utah, is an Affirmative Action/Equal Opportunity employer and does not discriminate based upon race, ethnicity, color, religion, national origin, age, disability, sex, sexual orientation, gender, gender identity, gender expression, pregnancy, pregnancy-related conditions, genetic information, or protected veteran's status. The University does not discriminate on the basis of sex in the education program or activity that it operates, as required by Title IX and 34 CFR part 106. The requirement not to discriminate in education programs or activities extends to admission and*

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Online reports may be submitted at  
[\*\*oeo.utah.edu/\*\*](https://oeo.utah.edu/)

*The University is a participating employer with Utah Retirement Systems (“URS”). Eligible new hires with prior URS service, may elect to enroll in URS if they make the election before they become eligible for retirement (usually the first day of work). Contact Hospitals and Clinics Human Resources at (801) 581-6500 for information. Individuals who previously retired and are receiving monthly retirement benefits from URS are subject to URS’ post-retirement rules and restrictions. Please contact Utah Retirement Systems at (801) 366-7770 or (800) 695-4877 or Hospitals and Clinics Human Resources at (801) 581-6500 if you have questions regarding the post-retirement rules. This position may require the successful completion of a criminal background check and/or drug screen.*

**Requisition Number** 74984

**Reg/Temp** Regular

**Employment Type** Full-Time

**Shift** Day

**Work Schedule** M-F 7am-2pm

**Clinical/Non-Clinical** Status Non-Clinical

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**Communication  
Services Specialist I**  
South Salt Lake, UT

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